

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

13 APR 24 PM 3:23

OFFICE OF THE CLERK

DEMAND TO BE INFORMED OF
THE NATURE OF AN ACCUSATION

The undersigned Affiant hereby makes this demand for information in Cause No. 8:12CR344
United States of America v. Donna Marie Kozak and Randall David Due as follows:

To the Plaintiff/Prosecutor as Common Law Commercial Defendant/Obligated Party:

Brian D. Bailey, Trial Attorney, Tax Division,
P. O. Box 972, Washington, DC 20044
Phone (202) 514-8031; Fax (202) 514-9623

Thank you Mr. Bailey for your response by email dated 4/16/13 (enclosure – pages 3-4) to my Demand for Discovery dated April 8, 2013. I appreciate you being agreeable to an extension of the pretrial motion deadline and pointing out that I should show good cause for requesting it. The fact that this case is currently in Abatement, and that you have not provided me with the information I require, is the major cause.

In order to avoid any further damages to me, please answer the following in writing and provide me with all the information I seek in a timely manner as listed here below:

You have failed to provide me with any answer to my legitimate questions about the nature and cause of an accusation. Since you have claimed that my "demand is a puzzling one," I will try to keep this demand for information much more simple. All I ask of you here is that you inform me of the nature of an accusation, nothing more.

In future demands for information, I will ask you to tell me what the accusation is (or accusations are), and to inform me of the cause of an accusation (or causes of the accusations). Therefore, please do not attempt to address those issues here. In your previous comments, you have made it appear as though you do not know what the "nature" of an accusation means. I have become aware and been told that actual law and the history, thereof, is not taught in law school today (only procedures), so I will explain it here for the record.

In general terms, the "nature" of an accusation is the regulating force behind the cause of an act alleged to have occurred. It is:

1. the social and historical setting that would make such an act a crime in the first place;
2. the basic or inherent feature of the accusation, that which is characteristic of it;
3. the innate or essential qualities or character of the accusation;
4. the inherent characteristic of the accusation.

In other words, without such a nature existing, the alleged act would not even be a crime.

In simple legal terms, the "nature" of an accusation is its "jurisdiction of law." This is not a complicated issue. There are only three possible answers that I am aware of. It is a multiple choice question:

- a. Common Law (requiring an injured party)
- b. Equity Law (requiring a breach of contract)
- c. Admiralty and Maritime Law (requiring a commission or enlistment)

In your email response, you stated:

1. "As of today, we have provided seven compact discs ..."
2. "These discs contain ... Please review them and then consider what, if anything, you may need."
3. "Along with the Superseding Indictment, these materials should answer any legitimate question you have about the nature of the charges, ..."

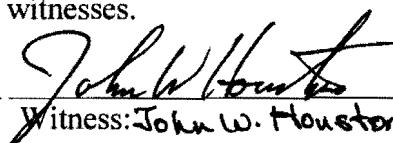
Mr. Bailey, one of the disks has over 2,800 pages of documents on it, all in one PDF – difficult to comprehend and remember the full contents; another has almost 1,000 pages in one PDF; 4 disks have personal bank records from 4 banks, one going back as far as 1976; Randall Due's Public Defender Jerry Hug said one file has over 35 hours of audio – I wonder if that's the Guardian Edge program I do not know how to access; one folder in a folder has the contents of 4 websites, various You Tubes and other files; and so forth. If you believe the "nature" of an accusation -- its "jurisdiction of law" regarding the 8:12CR344 cause is in the contents of the Discovery sent to me on the above-mentioned seven (7) disks, please identify exactly which page, which document, which minute in an audio, etc. that supports your answer.

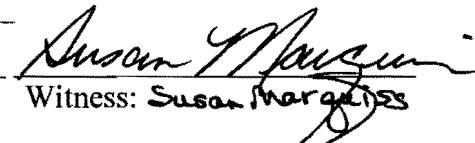
If you continue to remain silent on this issue, I will take that as an admission from you by your silence that false muster into an Admiralty jurisdiction is, in fact, being imposed upon me against my will as I have claimed from the beginning.

Everything is to be sent directly to me in a timely fashion so that I may view and scrutinize it myself.

This Affiant acknowledges that the foregoing is true, correct and certain, materially complete, relevant and not misleading, on this 22nd day of April in the year of our Lord 2013, at La Vista, Nebraska, before the undersigned witnesses.


Affiant: Donna Marie Kozak
Mail c/o Donna Kozak
8725 Park View Boulevard
La Vista, Nebraska 68128


Witness: John W. Houston


Witness: Susan Margolis

PRINT NAME BELOW EACH SIGNATURE

cc: Hoffman, Matthew R.
David Stickman
Jerry Hug
Magistrate Judge Thomas D. Thalken
Court Records Clerk

Enclosure – 2 Pages (Email of 4/16/13)

ENCLOSURE

From: Search4truth@aol.com [mailto:Search4truth@aol.com]
Sent: Monday, April 15, 2013 11:17 PM
To: Bailey, Brian D. (TAX)
Cc: Hoffman, Matthew R. (TAX); David_Stickman@fd.org; jmhug@cox.net; Search4truth@aol.com
Subject: Extending Pretrial Motion Deadline for 8:12CR344?

Bailey, Brian D. (TAX)" <Brian.D.Bailey@usdoj.gov>
Hoffman, Matthew R. (TAX)" <Matthew.R.Hoffman@usdoj.gov>
David Stickman <David_Stickman@fd.org>,
Jerry Hug <jmhug@cox.net>

Dear Brian,

David Stickman said I'm to write directly to you and ask if you have any objection to extending the Pretrial Motion deadline for 8:12CR344?

Thank you.

Donna Kozak
402-596-1612

Subject: RE: Extending Pretrial Motion Deadline for 8:12CR344?
Date: 4/16/2013 10:59:29 AM Central Daylight Time
From: Brian.D.Bailey@usdoj.gov
To: Search4truth@aol.com
CC: Matthew.R.Hoffman@usdoj.gov, David_Stickman@fd.org, jmhug@cox.net

Ms. Kozak,

Thank you for the e-mail. We have no objection to extending the pre-trial motion deadline, but I believe the Progression Order requires a showing of good cause for any extension at this point.

Let me take this opportunity to respond to your recent Demand for Discovery.

Because discovery has already been provided, at least on our part, the demand is a puzzling one. You should have a compact disc, which our office sent to your home by Federal Express on April 2, 2013. And you should have additional compact discs that we handed to Mr. Stickman following your arraignment on the original charges in January. These discs contain electronic images and audio files of the discovery material that you are entitled to in this case, including relevant evidence relating to your arrest. Please review them and then consider what, if anything, you may need. Of course, as additional discoverable items come to our attention, we will supply them to you as well.

As of today, we have provided seven compact discs with the following labels:

January 16, 2013

Disc 1: American Natl. Bank D Kozak
Disc 2: SAC Federal Credit Union D. Kozak
Disc 3: Donna Kozak Websites
Disc 4: Bank of Nebraska D. Kozak -376
Disc 5: Donna Kozak Discovery
Disc 6: US Bank D. Kozak

April 2, 2013

Disc 7: Discovery in Case No. 812-cr-00344-JFB-TDT - Donna Kozak Part II (64 Files)

Along with the Superseding Indictment, these materials should answer any legitimate question you have about the nature of the charges, the evidence that supports the charges, and even the likely witnesses in the case. Lists of witnesses and trial exhibits will be exchanged at the appropriate time, but now is too early. When the time comes, we would expect you to be ready to disclose your own lists of the witnesses and exhibits you plan to use at trial. For now, we only ask that you supply any relevant evidence, reports, and statements that support your defense.

We note that you have provided nothing for our review, even though the local and federal rules of discovery contemplate an obligation on your part to disclose to the government the types of evidence that you request from it. Fed. R. Crim. P. 16(b). In this regard, let me suggest—as others have already—that you let an attorney represent you. Among the many rights the Court has explained to you is the right to represent yourself. Generally, however, the wisest representation right to exercise is getting the assistance of an attorney. Your recent pleadings are instructive on this point.

Whoever supplied the formats for the Demand for Discovery and the earlier Foreign Plea in Abatement you presented does not have your best interests at heart. An attorney, on the other hand, does and is obligated to protect them within the law. A qualified attorney could accurately and reliably answer your legal questions. For example, your attorney would likely inform you that the grand jury's superseding indictment, which charges offenses against the laws of the United States, invokes the Court's jurisdiction under 18 U.S.C. § 3231. The attorney could even cite to you the case of *United States v. Hayes*, 574 F.3d 460, 471–72 (8th Cir. 2009), in support of that valid and easily reached conclusion.

Likewise, the attorney could advise you that, whatever your Foreign Plea in Abatement may be, it is not a recognized plea to any of the criminal charges. Three plea options are available: 1) guilty, 2) not guilty, and 3) nolo contendere. Fed. R. Crim. P. 11(a)(1). Because you declined to enter any one of those, the Court properly entered on your behalf pleas of not guilty. Fed. R. Crim. P. 11(a)(4). These pleas best preserve the many trial rights the Court has repeatedly and at some length explained to you. You are mistaken, if you think that the Foreign Plea in Abatement imposes any other obligation than that the Court enter not-guilty pleas on your behalf. An attorney easily would know that. And relying on the attorney, rather than on misguided advocates with interests inimical to your own would permit you to move on and pursue beneficial avenues in your case.

2013-04-23 Email Receipt of Service re DEMAND TO BE INFORMED OF THE NATURE OF AN ACCUSATION sent from Donna Kozak to Brian Bailey, Prosecution

1.

Subject: (no subject)
Date: 4/23/2013 9:38:43 AM Central Daylight Time
From: David.Stickman@fd.org
To: Brian.D.Bailey@usdoj.gov, Matthew.R.Hoffman@usdoj.gov, jmhug@cox.net
CC: search4truth@aol.com

Brian,
Donna Kozak asked that I forward the attachments to this e-mail. Would you please reply that you received them?
Thanks,
Dave

(See attached file: 2013-04-22 Demand-Inform-Nature.zip)

David R. Stickman
Federal Public Defender
District of Nebraska
222 South 15th Street, Suite 300N
Omaha, Nebraska 68102-1641
(402) 221-7896 (office)
(402) 221-7884 (fax)

2.

Subject: Receipt of Documents from Ms. Kozak
Date: 4/23/2013 9:46:01 AM Central Daylight Time
From: Matthew.R.Hoffman@usdoj.gov
To: David.Stickman@fd.org
CC: search4truth@aol.com, Brian.D.Bailey@usdoj.gov, jmhug@cox.net

Dave,
Thank you. We have received the documents from Ms. Kozak.
Matt

3.

Subject: Fw: Receipt of Documents from Ms. Kozak
Date: 4/23/2013 9:52:46 AM Central Daylight Time
From: David.Stickman@fd.org
To: Search4truth@aol.com

----- Forwarded by David Stickman/NEF/08/FDO on 04/23/2013 09:52 AM -----